

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

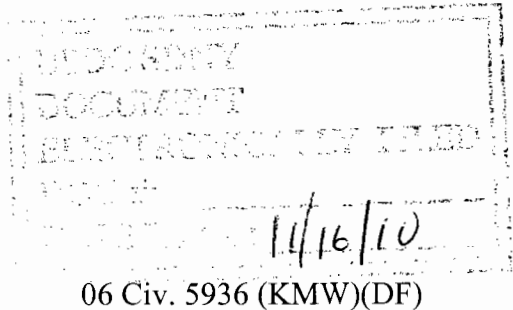
ARISTA RECORDS LLS, et al.,

Plaintiffs,

-against-

LIME GROUP LLC, et al.,

Defendants.



**ORDER**

**DEBRA FREEMAN, United States Magistrate Judge:**

A new discovery dispute has been referred to this Court, regarding whether Plaintiffs should receive expedited discovery from Defendants regarding a potential violation of the Court's Permanent Injunction, issued October 26, 2010 (Dkt. 334), by certain unknown current or former of employees of Defendants. Plaintiffs present a substantial basis for concern that the injunction has been violated through a website ("metapirate.webs.com") that has apparently made a pirated version of Defendants' software available online. (*See* Letter to the Court from Glenn D. Pomerantz, Esq., dated Nov. 10, 2010.) Defendants, however, maintain that they are equally concerned, do not condone the conduct of whoever is involved with the software piracy, and are, themselves, in the process of both investigating the matter on an expedited basis and trying to take steps to remedy the situation. (*See* Letter to the Court from Joseph T. Baio, Esq., dated Nov. 15, 2010.) For these reasons, and because Defendants assert that the discovery sought by Plaintiffs would be overbroad and unduly burdensome, Defendants ask that the Court refrain from ordering that they produce the requested discovery, at least until Defendants can report to the Court as to the results of their own investigation. (*See id.*)

Under the circumstances, as described by the parties in their respective submissions, it is hereby ORDERED as follows:

1. Plaintiffs' request to seek expedited discovery from third parties, relating to the source(s) of the pirated software, is granted, without objection from Defendants.
2. No later than November 19, 2010, Defendants are directed:
  - a. to report to the Court any results, as of that date, of their investigation as to the person(s) responsible for the piracy,
  - b. to inform Plaintiffs of the identity of such person(s), or, if still unknown, to produce to Plaintiffs (i) a list of all current and former employees of Defendants who, to Defendants' knowledge, have had possession or knowledge of the private key used to sign the LimeWire SIMPP file in the past year, and (ii) a list of all known LimeWire software developers, programmers, or other employees who, to Defendants' knowledge, would have been capable of excising the features that were removed from LimeWire 5.6 beta before it was redistributed as the LimeWire Pirate Edition (such lists to indicate whether each listed individual is a current employee or a former employee of Defendants, and, if the latter, the date of the employee's separation from Defendants), and
  - c. to produce to Defendants all documents referring or relating to the LimeWire Pirate Edition, or its creation, launch, and distribution.

3. The Court will hold a telephone conference on November 22, 2010, at 12:00 p.m., to address the extent to which additional discovery on this matter should proceed.

Dated: New York, New York  
November 16, 2010

SO ORDERED

  
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DEBRA FREEMAN  
United States Magistrate Judge

Copies to:

all parties (via ECF)